



**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-18

February 22, 2012

Petition of Q LINK Wireless LLC for Designation as an Eligible Telecommunications Carrier in Massachusetts for the Limited Purpose of Offering Wireless Lifeline and Link-Up service to Qualified Households

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**ORDER OF DISMISSAL WITHOUT PREJUDICE**

The Massachusetts Department of Telecommunications and Cable (“Department”), for the reasons discussed below, hereby dismisses, without prejudice, the petition of Q LINK Wireless LLC (“Q LINK”) for designation as an Eligible Telecommunications Carrier (“ETC”) in Massachusetts for the limited purpose of offering wireless Lifeline and Link-Up service to qualified households. Q LINK is permitted to re-file its petition for designation as an ETC with the Department upon approval of a Compliance Plan by the Federal Communications Commission (“FCC”), as required in *In re Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42 (Feb. 6, 2012) (“Reform Order”). Should TAG decide to re-file its petition, the Department will not require an additional filing fee.

Q LINK filed its application for designation as an ETC for the limited purpose of providing Lifeline and Link-Up services to qualified Massachusetts households on November 30, 2011. *See Petition of Q LINK WIRELESS LLC for Designation as an Eligible Telecommunications Carrier in Massachusetts for the Limited Purpose of Offering Lifeline and Link-Up Service to Qualified Households*, D.T.C. 11-18 at 1 (“Petition”). On February 6, 2012

the FCC issued its Reform Order materially altering the qualifications for ETC designation. Specifically, in its Reform Order, the FCC eliminated Link-Up support for ETC's on non-tribal lands. Reform Order at ¶ 245. Moreover, the FCC granted a blanket forbearance from the "own-facilities" requirement of 47 U.S.C. 214(e)(1)(A), provided carriers meet certain conditions. Reform Order at ¶ 373. Among those conditions, carriers seeking to take advantage of forbearance must submit a Compliance Plan to the FCC detailing how the carrier will provide service and safeguard against fraud and abuse. *Id.* at ¶ 379.

On February 9, 2012 Q LINK filed an amendment to its Petition stating: (1) that Q LINK now seeks ETC designation for participation in the Lifeline program only; (2) that Q LINK intends to avail itself of the FCC's blanket forbearance from the "own-facilities" requirements; and (3) that Q LINK has filed with the FCC a Compliance Plan in accordance with the requirements of the Reform Order. *First Amendment to the Petition of Q LINK Wireless for Designation as an Eligible Telecommunications Carrier*, (Feb. 9, 2012).

However, in this instance Q LINK's amended Petition is insufficient. In its Reform Order, the FCC stated that "[n]o designations shall be granted for any pending or new Lifeline-only ETC applications filed with the states or the Commission after December 29, 2011, and carriers shall not receive reimbursement from the program, until the [Wireline Competition] Bureau approves their compliance plans." *Id.* at ¶ 380.

Despite Q LINK's attempt to amend its Petition so as to seek only Lifeline support, and to take advantage of the FCC's forbearance from the "own-facilities" requirements, the Department cannot consider the Petition absent an approved compliance plan. Therefore the Department dismisses Q LINK's Petition without prejudice, so that Q LINK may re-file once it

has met the pre-conditions laid out in the Reform Order, and received the FCC's approval of its compliance plan. Accordingly, it is:

**ORDERED**

That the Petition of Q LINK Wireless LLC for Designation as an Eligible Telecommunications Carrier in Massachusetts for the Limited Purpose of Offering Wireless Lifeline and Link-Up Service to Qualified Households is **DISMISSED** without prejudice. And it is:

**FURTHER ORDERED**

That Q LINK Wireless LLC may re-file its petition for designation as an ETC without the required filing fee.

So Ordered,

/s/ Geoffrey G. Why  
Geoffrey G. Why  
Commissioner